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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

C-29A

AUG 25 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert L. Gulley
Senior Environmental Counsel
Browning-Ferris Industries
P.O. Box 3151
Houston, Texas 77253

Re: Request for Information Pursuant to Section 104 of CERCLA
for the Southeast Rockford Groundwater Site in Rockford,
Illinois.

Dear Mr. Gulley:

This letter seeks your cooperation in providing information and documents relating to the contamination of the Southeast Rockford Groundwater Superfund Site in Rockford, Illinois ("Site"). A Superfund site is a site contaminated with high levels of hazardous substances that may present a threat to human health or the environment.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within thirty (30) days of your receipt of this letter.

The United States Environmental Protection Agency ("U.S. EPA") is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. U.S. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and disposal methods of such substances that have been or threaten to be released from the Site. U.S. EPA will study the effects of these substances on the

environment and public health. In addition, U.S. EPA will identify activities, materials and parties that contributed to contamination at the Site. U.S. EPA believes that you might have information which may assist the Agency in its investigation of the Site.

The Site consists of a plume of groundwater contaminated with volatile organic compounds ("VOCs"). U.S. EPA has been involved at the Site since 1989, when bottled water and carbon filter units were provided to residents with drinking water wells containing VOC contamination above safe levels. Eventually, U.S. EPA, working with the Illinois Environmental Protection Agency ("IEPA"), extended municipal water mains to over 500 residences with contaminated drinking water wells.

U.S. EPA and IEPA have conducted a Remedial Investigation at the Site, which examines the nature and extent of groundwater contamination at the Site. This investigation indicated that several areas in Rockford are sources of the groundwater contamination. U.S. EPA and IEPA are currently investigating these "source areas" with public funds.

Description of Legal Authority

The federal "Superfund" law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, et seq. commonly referred to as "CERCLA" and "Superfund") gives U.S. EPA the authority to, among other things: (1) assess contaminated sites, (2) determine the threats to human health and the environment posed by each site, and (3) clean up those sites in the order of the relative threats posed by each.

Information Request

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility; and

(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

While U.S. EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information U.S. EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish U.S. EPA to treat the information confidentially, you must advise U.S. EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist U.S. EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the timeframe noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

Instructions on how to respond to the questions in Attachment B to this document are described in Attachment A. Your response to this Information Request should be mailed to:

Andrew Warren
Assistant Regional Counsel
U.S. Environmental Protection Agency
Mail Code C-29A
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the Information Request please contact Andrew Warren at (312) 353-5485.

We appreciate your assistance and look forward to your prompt response to this information request.

Sincerely,

A handwritten signature in cursive script, reading "Connie L. Puchalski". The signature is written in dark ink and is positioned above the typed name.

Connie L. Puchalski, Section Chief
Multi-Media Branch I

Enclosures

bcc: A. Warren, ORC (CS-29A)

Attachment A
Information Request
to Browning-Ferris Industries of Illinois, Inc.

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, U.S. EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to U.S. EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e) (7) (E) and (F) of CERCLA, 42 U.S.C. §§9604(e) (7) (E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b).

If you make a claim of confidentiality for any of the information you submit to U.S. EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by U.S. EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to U.S. EPA verification. It is important that you satisfactorily show that you have taken

reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by U.S. EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to you.

7. Disclosure to U.S. EPA Contractor. Information which you submit in response to this Information Request may be disclosed by U.S. EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that U.S. EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information".

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "you" or "Respondent" shall mean Browning-Ferris Industries of Illinois, Inc. ("BFI"). The term "you" also includes any officer, managers, employees, contractors, trustees, successors, assigns, and agents of BFI.

10. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

11. The term "real estate" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

12. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

13. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

Attachment B
Information Requests

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Information Requests and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. Identify by name, social security number, telephone number and last known address, all persons, whether presently employed by you or formerly employed by you or your corporate predecessors, who participated in the collection, storage, treatment, transportation, and disposal of hazardous waste, solid waste, and septic waste at the Peoples Avenue Landfill.
5. Identify all industrial sources and industrial generators of hazardous waste, solid waste, and septic waste collected, treated, stored, transported, and disposed by you or your corporate predecessors at the Peoples Avenue Landfill.
6. Provide a description of the physical and chemical nature of hazardous waste, solid waste, and septic waste collected, treated, stored, transported, and disposed by you or your corporate predecessors at the Peoples Avenue Landfill. For each such transaction, identify:
 - a) The persons from whom you or such other persons accepted waste materials for transport to the Peoples Avenue Landfill;
 - b) Every date on which waste materials were so accepted or transported;
 - c) For each transaction, the nature of the waste materials accepted or transported, including the chemical

content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;

- d) For each material, describe any warnings given to you with respect to its handling;
- e) The owner of the materials so accepted or transported;
- f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;
- g) All tests or analyses and analytical results concerning each material;
- h) The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the Peoples Avenue Landfill.

7. Identify all disposal sites within 30 miles of Rockford, Illinois where BFI or its corporate predecessors has been identified by state or federal agencies, or a private claimant, as a transporter of hazardous waste.

8. Is BFI or its corporate predecessors a party to litigation (either active or concluded) involving any of the disposal sites identified in Request No. 7? If so, provide the case name and identifying civil action number for each case. Also, provide copies of any statements given by an employee of BFI, or its corporate predecessors, regarding disposal practices in the Rockford area.